

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

VINCENT A. AMBROSETTI,

Plaintiff,

v.

**OREGON CATHOLIC PRESS; and
BERNADETTE FARRELL,**

Defendants.

Case No. 3:21-cv-00211-AR

ORDER ADOPTING F&R

Donald J. Schmid, Law Offices of Donald J. Schmid LLC, 1251 N. Eddy Street, Suite 200, South Bend, IN 46617. Parna A. Mehrbani and Stephanie J. Grant, Tonkon Torp LLP, 888 SW Fifth Avenue, 16th Floor, Portland, OR 97204. Attorneys for Plaintiff.

Leonard D. DuBoff, The DuBoff Law Group, PC, 6665 SW Hampton Street, Suite 200, Portland, OR 97223. Bert P. Krages II, 6665 SW Hampton Street, Suite 200, Portland, OR 97223. Attorneys for Defendants.

IMMERGUT, District Judge.

On November 7, 2024, Magistrate Judge Armistead issued his Findings and Recommendation (“F&R”), ECF 135. The F&R recommends that this Court grant Plaintiff’s Motion to Defer Ruling on Defendants’ Motion for Attorney’s Fees, ECF 129, and stay Defendants’ Motion for Attorney’s Fees, ECF 121, and Bill of Costs, ECF 122, pending resolution of the appeal currently pending in the Ninth Circuit. No party filed objections.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Armistead’s conclusions. The F&R, ECF 135, is adopted in full. Plaintiff’s Motion to Defer Ruling on Defendants’ Motion for Attorney’s Fees During Appeal, ECF 129, is GRANTED. This Court STAYS Defendants’ Motion for Attorney’s Fees, ECF 121, and Bill of Costs, ECF 122, pending resolution of the Ninth Circuit appeal. The Motion for Attorney’s Fees and Bill of Costs are administratively TERMINATED but may be reactivated at Defendants’ request to lift the stay following resolution of the appeal. Defendants should file any such request within fourteen (14) days after the Ninth Circuit issues a mandate in this case.

IT IS SO ORDERED.

DATED this 11th day of December, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge